

REMARKS

1. In the Office Action mailed June 20, 2003, claims 1 and 8 were rejected under 35 U.S.C. §112, ¶6. The Examiner alleged that the specification does not provide adequate support to substantiate the notion that fields of video from two separate channels can occur adjacent in time as claimed.

The rejection of claims 1 and 8 under §112, ¶6 is improper.

The specification and the figures clearly disclose a structure and method for successively tuning a single tuner between different RF frequencies to sequentially receive different video images that are carried on different RF frequencies. After the first video on the first frequency is received, the tuner is tuned to a second frequency and a second video is received. The successively-retrieved video images on different frequencies are therefore adjacent in time.

Beginning on page 3, at line 9, the specification describes how a single tuner 110 is controlled via signals on the bus 130 to switch the tuner 110 between a plurality of frequencies. Anyone of ordinary skill in the art would recognize that switching the tuner to different frequencies for finite times would yield information from each signal to which the tuner was tuned. As disclosed in the specification, a video image is retrieved on each frequency to yield successive, i.e., "adjacent in time" video images, which is what is shown in at least Figure 3.

On page 3, at lines 15-22, the specification describes how the tuner 110 is switched between frequencies to allow the tuner to display video images on separate frequencies. Figure 3 shows successive video fields as being adjacent in time.

Among other aspects of the disclosure, Figures 1, 2, and 3 show how a single tuner is switched between different frequencies to recover different video signals. In particular, on page 5, at line 9, Figure 3 is described as showing a time line indicating "the sequence during which individual [video] fields are received by the antenna 105."

The specification clearly supports the claimed subject matter. The rejection under 35 U.S.C. § 112, ¶6 should be withdrawn.

2. Claims 1 -11 were rejected under 35 U.S.C. §102(e) as being anticipated by Dangschat, i.e., U.S. Pat. No. 5,173,777. The Examiner contends that the pending claim limitations are met by Dangschat. A close comparison of the pending claims to the teachings of Dangschat reveals that Dangschat does not anticipate the claims.

As set forth above, the claims have been amended to recite that “substantially full motion video” is displayed. Support for the amendment to the claims is found in the specification on page 2, line 24 – page 3, line 1 and on page 4, lines 6-14, where the specification states that the video decoder or other portion of the claimed system to “interpolate missing image data.” Thus the displayed images are not literally full motion but they appear to be full motion video, i.e., without perceptible interruptions. The video images are *substantially* full motion video.

Dangschat discloses a circuit for providing an inset image but the inset image is *not* even substantially full motion video. In column 3, lines 1-4, Dangschat teaches that the “switchover device switches the image signals for the second program...for a maximum of 100 msec for [the] small image display.” (Emphasis added.) In column 3, lines 6-8, Dangschat teaches that the small image is renewed at a frequency up to 20 Hz. (Emphasis added.) Displaying images at *up to 20 Hz.* is substantially less than full motion video. Such a rate is more akin to still images, which Dangschat admits.

In column 3, lines 53-58, Dangschat teaches that “[a] large image is...obtained that has...interruptions in motion.” In column 3, lines 59-62, Dangschat teaches that “the small image has *greatly reduced motion resolution.* [The small image] is *made up of still pictures...at a frequency of from 5 to 20 Hz.* (Emphasis added.) In column 6, lines 23 – 30, Dangschat teaches that “[t]he small image ...includes successive still pictures...renewed at a frequency of *up to 20 Hz.....*[the] large image...has...interruptions in motion.....”

The claims of Dangschat are directed to a different device than that which is disclosed and claimed by the Applicants. In particular, the Dangschat claims all claim a “means for switching over [the] switchover device...precisely long enough for the tuner to jump to a tuning frequency for the second program” which constitutes at least one limitation that the device of the instant application does not satisfy. (Emphasis added.) The applicant’s device does not require any precise latency at a frequency and it almost instantaneously tunes to a different frequency by reloading data to the tuner.

For the reasons set forth above, the rejection of claims 1-11 under 35 U.S.C. §102(e) is improper and should be withdrawn.

As for claims 2 and 3, the Examiner asserts that Dangschat “inherently” teaches switching to a new frequency during a vertical blanking interval, ostensibly because images are

not received during blanking intervals. For the Examiner's information, the text of Dangschat was electronically searched for the occurrence of the word "blanking" and it was not found. The Examiner's reliance on inherency is baseless.

Claim 7 was previously canceled in the response dated May 1, 2003.

Claim 2 further defines the subject matter claimed in claim 1 and unless the Examiner can prove that it is inherent by demonstrating that one of ordinary skill in the art would recognize the subject matter of claim 2, the Examiner's assertion that Dangschat inherently teaches claim 2 is incorrect.

As for claim 3, the Examiner asserts that Dangschat col. 4, lines 34 -43 disclose the limitations of claim 4. Even a cursory review of col. 4, lines 34-43 reveal that they do not teach the subject matter of claim 4. The rejection of claim 4 under col. 4, lines 34-43 is improper and should be withdrawn.

With regard to claim 4, Dangschat's teaching of alternating a first half-image at a maximum of 100 msec. cannot be said to anticipate claim 4, which requires the second frequency indicator to be provided in less than 1.2 milliseconds.

As for claim 5, Dangschat does not show or suggest that alternating first and third fields are displayed as substantially full motion video. Similarly, claim 6 defines novel subject matter of claim 1.

Regarding claim 8, it requires substantially full motion video as does claim 1. For the reasons set forth above, Dangschat does not teach substantially full motion video and claim 8 is therefore allowable.

Claim 9 also defines novel and patentable subject matter by claiming that the first and second video fields are substantially full motion video.

Claims 10, 11, and 12 are allowable for the reasons set forth above with respect to claims 1, 8, 4, 5, and 6.


3. As for the rejection of claim 12 under 35 U.S.C. §103(a), the Examiner contends that everyone of ordinary skill would know to provide separate display devices yet cannot identify even one reference that ostensibly teaches the limitations of claim 12.

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Unless the Examiner can locate a reference that ostensibly identifies the claimed limitations, the rejection of claim 12 should be withdrawn. The Examiner's opinion or his belief is insufficient to sustain a rejection under 35 U.S.C. §103(a).

Reconsideration of the amended claims is respectfully requested.

Respectfully submitted,

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